NOTES OF CASES.

INJURY BY ANIMALS—SCIENTER.—Defendant's horse was on the sidewalk, at large and unattended. In passing, the plaintiff's coat was seized by the horse and a piece was bitten out. *Held*, on the authority of *Dickson* v. *McCoy*, 39 N. Y. 400, 401, that the horse, being unlawfully on the sidewalk and unattended, the defendant was liable, without proof of his knowledge of the animal's vicious propensity, "the vice of the animal being an essential fact only when, but for it, the conduct of the owner would be free from fault." *Stern* v. *Hoffman Brewing Co.*, 56 N. Y. Supp. 188.

FRAUD—LACHES.—The opinion of Mr. Justice Brown, in the case of *McIntire* v. *Pryor*, 19 Sup. Ct. 353, contains an excellent discussion of the question of laches in seeking to set aside a conveyance of plaintiff's property to the defendant, induced by an outrageous fraud, perpetrated upon an ignorant person by one standing in a confidential relation. The bill was filed nine years after the commission of the fraud, and four years after it had been sharply brought to plaintiff's attention. It was held, notwithstanding, that relief would not be denied, under the peculiar circumstances of the case.

BAILMENT—GRATUITOUS LOAN OF CHATTEL—INJURY TO BORROWER FROM DEFECT THEREIN.—Defendant lent the plaintiff a steam engine, without charge for the use. By reason of its defective condition, the plaintiff was injured, and sued for damages. *Held*, that it was essential to bring home to the defendant knowledge of such defect. *Coughlin* v. *Gillison*, 1 Q. B. 145 (1899).

The decision is based on *Blakeman* v. *Bristol etc. Ry.*, 8 E. & B. 1035. See also *McCarthy* v. *Young*, 6 H. & N. 329. There is much authority in America on the question of the liability of a gratuitous bailee, but none, as far as we have been able to discover, as to the liability of the gratuitous bailor, where the bailee is injured by a defect in the chattel.

CONSTITUTIONAL LAW.—A State statute prescribing that whenever any railroad companies chartered by the State shall discharge, with or without cause, any servant or employe thereof, his unpaid accrued wages shall at once be paid, without deduction, under a penalty, is not unconstitutional as to any railroad company whose charter the State has, by reservation, the right to alter or amend. *St. Louis etc. R. Co.* v. *Paul*, 19 Sup. Ct. 419.

In *Railway Co.* v. *Ellis*, 165 U. S. 150, it was held that to require railroad companies to pay an attorney's fee of ten dollars for failure to pay certain debts, when the same penalty was not exacted of other defendants, was denying to such companies the equal protection of the laws, and therefore unconstitutional. The present case is distinguished from that by reasoning that is not altogether satisfactory. In the former case, railroad companies failing to pay just claims of certain character, were to be mulcted in the sum of ten dollars in the shape of an attorney's fee to the plaintiff—a penalty not exacted of any other debtor. In the